

REMARKS

Claims 1, 2, 10 – 16, 22, 24, 25, and 27 are currently pending in the application. Claims 3 – 9, 17 – 21, 23, 26, and 28 have been withdrawn pursuant to Examiner's telephone conference with the undersigned attorney on February 15, 2005. Applicant affirms the election made in this telephone conference.

Claim Rejections – 35 USC §102

Claims 1, 2, 10 – 13, 15, 16, 22, 24, 25, and 28 were rejected under 35 USC 102(a or e) as being clearly anticipated by Fu (US Patent No. 6,598,459). Claims 1 and 22 have been amended to include the limitation that the measurement element is not coated with an odorant molecule attachment material. Fu teaches that the measurement element must be coated with an odorant molecule attachment material for the device to work. Further, claims 1 and 22 contain the limitation that an output signal characteristic of molecular contamination on the surface area of the material, whereas Fu is not capable of providing such a signal. Thus, claims 1 and 22 contain a limitation that is not taught by Fu; therefore, it is not anticipated by Fu. Claims 2, 10 – 13, 15, 16, 24, 25, and 28 depend on either claim 1 or claim 22 and are, therefore, also patentable.

Claim Rejections – 35 USC §103

Claim 14 was rejected under 35 USC 103(a) as being unpatentable over Fu (US Patent No. 6,598,459). Fu teaches that the measurement element must be coated with an odorant molecule attachment material for the device to work. Fu does not contemplate in any way that an uncoated aerogel can work to detect anything, and molecular contamination in particular. Thus, it cannot make the invention obvious.

Fu is, at most, what is known in the patent law as an accidental anticipation of the original claims. Fu and the present invention are in entirely different arts, and someone skilled in the art of Fu would not contemplate that a modification of Fu could be used as disclosed in the present application. Thus, under the patent law, it cannot make the amended claims obvious.

In view of the foregoing amendments and remarks, it is believed that the application, including claims 1, 2, 10 – 16, 22, 24, 25 and 27, is in condition for allowance, and

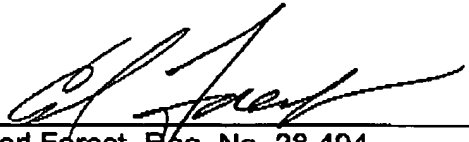
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favorable action is respectfully requested. Further, since claim 1 is both allowable and generic, the reentry and allowance of the withdrawn claims is respectfully requested.

It is believed no fees are due. If any fee is seen to be required, please charge Deposit Account No. 50-1848.

Respectfully submitted,
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Date: 5/23/05

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